

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT CINCINNATI**

KYLE FINNELL,

Petitioner,

: Case No. 1:17-cv-268

- vs -

District Judge Douglas R. Cole
Magistrate Judge Michael R. Merz

TIM SCHWEITZER, Warden,
Lebanon Correctional Institution,

:

Respondent.

**DECISION AND ORDER DENYING MOTION FOR
RECONSIDERATION**

This habeas corpus case, brought *pro se* by Petitioner Kyle Finnell pursuant to 28 U.S.C. § 2254, is before the Court on Finnell's Motion for Reconsideration (ECF No. 289). Finnell asks the Magistrate Judge to reconsider his Decision and Order Denying Finnell's Motion to Amend (ECF No. 282).

Courts disfavor motions for reconsideration because they consume a court's scarce time for attention to a matter that has already been decided. They are subject to limitations based on that disfavor.

As a general principle, motions for reconsideration are looked upon with disfavor unless the moving party demonstrates: (1) a manifest error of law; (2) newly discovered evidence which was not available previously to the parties; or (3) intervening authority. *Harsco Corp. v. Zlotnicki*, 779 F.2d 906, 909 (3rd Cir. 1985), cert. denied, 476 U.S. 1171, 90 L. Ed. 2d 982 (1986).

Meekison v. Ohio Dep't of Rehabilitation & Correction, 181 F.R.D. 571, 572 (S.D. Ohio

1998)(Marbley, J.).

In his Motion to Amend, Finnell sought to add the following two claims to his Petition:

GROUND 6:

The Common pleas Court and the First District of Appeals lacked of Subject Matter jurisdiction failure to complete the ourt-as the Sixth Amendment requires-

GROUND 7:

Finnell was denigrated of the Autonomy, my right to proceed pro Se guaranteed to him by Art. 1, Sec. 10 of the Ohio Constitution and the Sixth and Fourteenth Amendment to the United States Constitution."

(As quoted by Finnell at ECF No. 289, PageID 8586).

The Magistrate Judge denied the Motion to Amend because (1) both proposed new grounds for relief are barred by the statute of limitations, 28 U.S.C. § 2244(d); (2) to the extent proposed Ground Seven states a claim under the Ohio Constitution, it is not cognizable in federal habeas corpus; and (3) the amendments were proposed after undue delay (Decision, ECF No. 282).

Having thoroughly reviewed Finnell's Motion for Reconsideration, the undersigned finds he has not shown a manifest error of law in the prior Decision. The Motion for Reconsideration is therefore DENIED.

December 12, 2024.

s/ *Michael R. Merz*
United States Magistrate Judge